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October 22, 2015

By ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

Re: *United States of America v. John W. Ashe, et al.*,
Docket No. 15 Cr. 706 (VSB)

Dear Judge Broderick:

This firm represents defendant John W. Ashe, Ph.D. in the above-referenced matter. Dr. Ashe is a former Permanent Representative of Antigua and Barbuda to the United Nations, and elected President of the United Nations General Assembly. We write respectfully to request two modifications of the present bail conditions: (1) to reduce the number of required Financially Responsible Persons (FRPs) to co-sign Ambassador Ashe's bail bond from five (5) to three (3), and (2) to permit Ambassador Ashe to travel to see his youngest son play in the New York state football championship games in Westchester and upstate New York. Our reasons are as follows.

First, as a career diplomat focusing on climate change and sustainable development issues, Ambassador Ashe has worked very hard throughout his distinguished career to establish his worldwide reputation and character among his colleagues. In declining the government's request for detention at his initial presentment, Magistrate Judge Francis rightly noted that Ambassador Ashe has worked too hard to establish his reputation to now ruin it by fleeing instead of facing the current charges.

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Second, Ambassador Ashe has deep community roots in this country. He is a lawful permanent resident, who has lived in the United States for over thirty years. He was educated in this country, earning a Ph.D. in Biomedical Engineering from the University of Pennsylvania in 1988. Ambassador Ashe resides with his wife of nineteen years, Anilla Cherian, Ph.D. in a small town in Westchester County. He is a volunteer in the community and maintains deep community roots in his town, which has enabled him to get three (3) FRPs thus far. Ambassador Ashe and Dr. Cherian have two teenage sons, and both sons and Dr. Cherian are United States citizens. His eldest son is in college in the United States, and his youngest is in high school.

Third, Ambassador Ashe is currently experiencing medical issues while in the Metropolitan Correctional Center ("MCC"). Ambassador Ashe has a medical condition that requires four different medications, and is currently experiencing headaches that he believes are caused by the substitute medications provided at the MCC. After his arrest, he was not permitted to take with him his prescribed medications.

Ambassador Ashe respectfully requests two modifications to his current bail requirements.

First, that the number of FRPs be set at three (3) in order to allow his immediate release. Ambassador Ashe's respected UN colleagues and friends who are likely to meet the FRP standards are UN diplomats and members of the UN staff whose assets are located outside of the United States. As a practical matter, the absence of US-based assets effectively renders ineligible most of those likely to co-sign for Ambassador Ashe, and thus reduces the pool of persons from which he can seek FRPs.

Second, Ambassador Ashe respectfully requests modification of the bail travel restrictions to permit him to attend his youngest son's championship football games for the 2015 season. In December 2013, Ambassador Ashe's son suffered a serious life-threatening medical condition; miraculously, after a lengthy medical surgery in February 2014 to correct this medical setback that could well have ended his ability to play any sport in the future, he was cleared in June 2014 to play football again. Ambassador Ashe's son's high school football team is now in the New York state championships, with Ambassador Ashe's son as a starting player in both offense and defense. These games are currently scheduled as follows: 1) section finals game on October 31, 2015 at Pace University in Pleasantville, New York; 2) quarterfinals game on November 14, 2015 at Dietz Stadium in Kingston, New York; 3) semifinals game on November 21, 2015 at Dietz Stadium in Kingston, New York; 4) finals at Syracuse University in Syracuse, New York, on November 27, 2015. (Thus, if the team is eliminated at any game, Ambassador Ashe would not attend any future game.)

All other bail conditions set by Magistrate Judge Francis on October 6, 2015 have been met. The present bail requirements consist of a \$1,000,000 personal recognizance bond, secured by \$500,000 in cash/property and five (5) FRPs, surrender of travel documents and Ambassador

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Ashe's wife's passport. (ECF No. 13.) Once released, Ambassador Ashe is subject to home detention, travel restricted to the Southern and Eastern Districts of New York, and electronic monitoring. (*Id.*) He may be released from home only for Court appearances, meetings with counsel, and medical appointments. He is not permitted any contact with co-defendants except through counsel. (*Id.*) To date, Ambassador Ashe has executed a confession of judgment in favor of the United States for \$500,000, secured by his primary residence, and has requested that such judgment be entered by the Westchester County Clerk's Office. He and his wife have also surrendered the requisite travel documents, and he has obtained three signatures of FRPs.

Ambassador Ashe, as Magistrate Judge Francis recognized, is not a flight risk. His wife and his only two children are here and are citizens of this country. He does not have the means to flee. To the contrary, he has every reason to remain and defend himself vigorously against the two tax charges in the Indictment to vindicate his reputation and character. Ambassador Ashe was elected unanimously—a rare occurrence—the President of the UN General Assembly by its 193 member states for the September 2013 to September 2014 session.

We have conferred with Erica Cudina, Pretrial Services Officer. Ms. Cudina takes no position with respect to the number of FRPs, and opposes the request for travel to football games. We have conferred with AUSA Dan Richenthal, who informs us that his office opposes our request to reduce the number of FRPs; he has also opposed our compromise request to release Ambassador Ashe now, on condition that the remaining two FRPs are secured by November 2. With respect to our request about attendance at the football games, he has offered to “discuss further if and when the pertinent game(s) are near.”

We would like to secure Ambassador Ashe's release prior to the weekend. Accordingly, we are available for a hearing on this request at Your Honor's earliest convenience.

Respectfully submitted,

s/ Hervé Gouraige
Hervé Gouraige

Cc: All Counsel of Record (by ECF)